

Zoning Board of Appeals Meeting

Severyn Development, 13050 Main St. SBL #108.18-2-3

September 19, 2017

The Zoning Board meeting was called to order by Member Charles Gaffney at 6:30 pm.

Present: Stephanie Bea Pautler, Charlie Gaffney, Tom Kirszenstein, Chris Trapp, Mayor Manicki, Trustee Robert Overhoff Sr., Mark and Cathy Kline, Rick & Rose Flick and William Severyn.

Absent: Chairman Michael DeWitt, CEO Czechowski and Brian Schumacher.

The purpose of this public hearing: rear yard line setback.

The request is to have the option to erect an 8- foot deck on each of the 10 homes on the east side of the street. This proposal would place the decks 5.97 feet from the rear yard lines of the homes, but Village Code Section 210-9 requires a minimum rear yard line setback of 10 feet.

MOTION by Tom Kirszenstein, seconded by Stephanie Pautler-Bea to enter into the Public Hearing. Carried.

At this point Member Gaffney opened the Public Hearing to the audience

Will Severyn addressed the board. Severyn explained that every house will not choose the deck option, but since the median age of his potential buyers is 75, the decks are on the same levels as the house and more accessible. The original concrete pad has a two-step decline to the level. He is only seeking decks on the east side of the property at this time. The neighbors to the east had no issues with this variance. There will be a natural buffer of 21 hard wood trees planted on the east side border this fall.

Mark Kline questioned if there will be a similar variance for the west side? Severyn explained, not at this time.

Rose Flick asked if this were approved and another variance was sought for the west side, would it be more likely to be approved also, since the east side was already approved?

Attorney Trapp explained that it would be a new ZBA hearing and one does not have a bearing on the other.

MOTION by Tom Kirszenstein, seconded by Stephanie Pautler-Bea to close the Public Hearing. 6:38 pm Carried.

At this time Member Gaffney proceeded to review the six criteria for the requested area Variance for the required number of parking spaces, from fourteen to two.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance? **No, The change was insignificant and merely an extension of what was already approved. They further opined that since there would be the addition of the green buffer on the adjoining property that was otherwise open, the impact would also be lessened.**
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? **No, it could not because there would be no other way to enlarge the deck to allow for the stairs without expanding the size of the deck. You would need the extension to allow for the stairs to be practical with the deck.**
3. Whether the requested area variance is substantial? **No, the space would go simply from a ten foot setback to a six foot setback which is not substantial in light of the fact that the extension would not be encroaching on anyone else's rear lawn like it would if done on the west side.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? **No, since the modification to the patios would be only four feet and they did not back up onto the rear lots of the other residents, there would be no adverse effect. The expansion of the decks would not have any environmental impacts beyond the loss of some lawn space for the residents, but since it was their request, it would not be deemed significant. Furthermore, no waterways would be affected nor would any trees be lost as a result of the change. It would also not alter the neighborhood or district since there would be no changes to the population density or physical structures in terms of the actual homes.**
5. Whether the alleged difficulty was self-created: which consideration shall be relevant to the decision of the board of appeals, but shall not necessary preclude the granting of the area variance? **No, the space would go simply from a ten foot setback to a six foot setback which is not substantial in light of the fact that the extension would not be encroaching on anyone else's rear lawn like it would if done on the west side.**
6. Whether it will create a hazard to health, safety or general welfare? **No. The ZBA also did not consider it to be a health, safety or welfare concern because the expansion by four feet was deemed insignificant.**

MOTION by Tom Kirszenstein and seconded by Stephanie Pautler-Bea, to grant the requested variance, Unanimous, Carried. 6:43 pm.

Respectfully submitted,

Sue Galbraith, ZBA Secretary